

REMARKS

As a result of this amendment, claims 1, 7, 48 have been amended and claims 2-4, 10-11, 23-44, 46-47 have been cancelled. New claims 49-50 have been added. Claims 1, 5-9, 12-22, 45, 48-50 are now pending in this application. Support for new claim 49 can be found throughout the specification as filed and *inter alia*, in old claim 2, and on page 2, lines 13-15, 17-19. Support for new claim 50 can be found throughout the specification as filed and *inter alia*, on page 2, lines 14-15. No new matter has been added to this application by way of amendment.

Applicants reserve the right to prosecute in one or more divisional and/or continuation applications any subject matter not allowed in this case without prejudice.

Section 112 Rejections

Claims 1 and 3 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

The Examiner alleges that claims 1 and 3 are vague and indefinite because of contradicting parts. Applicants disagree with this rejection and does not acquiesce; however solely to advance prosecution in the case, Applicants have deleted the objected subject matter from claim 1 and canceled claim 3.

In light of the above amendments and remarks, it is submitted that the rejections under 35 U.S.C. § 112, second paragraph have been obviated, withdrawal of the rejection is therefore proper and respectfully requested.

Section 102 Rejections

Claims 1-4, 16-17, 22 and 48 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hodson et al., U.S. Patent No. 5,655,523, issued August 12, 1997 ("Hodson"). Claims 1-9, 12-22, 45 and 48 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Meissner et al., U.S. Patent Application No. US20020115680A1 ("Meissner").

Applicants have canceled claims 2-4 thereby making the rejection moot with respect to these claims. In response, Applicants respectfully traverse the Examiner's rejection and, for the reasons detailed below, submit that the subject matter of presently amended claims 1 and of claims 16-17, 22 and 48 is in no way anticipated by the cited references.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co.*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131.

"Anticipation under Section 102 can be found only if a reference shows exactly what is claimed..." *Structural Rubber Prod. Co. v. Park Rubber Co.*, U.S.P.Q.1264 (Fed. Cir. 1984). As detailed below, the cited reference neither describes nor enables the presently claimed subject matter.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw these rejections.

The Present Claims

Claim 1 as now amended, is specifically drawn to a pharmaceutical composition comprising the combination of tiotropium salts or oxitropium salts with one or more dopamine agonists. All other objected claims refer back to claim 1, either directly or indirectly.

The Cited References

Hodson

In the Office Action, it is indicated that Hodson discloses any drug or drugs administered by inhalation such as drugs for respiratory disorders, e.g. bronchodilators, anti-cholinergics, dopaminergic agents etc. Examples are said to include ipratropium and bromocriptine.

In contrast, the claims as presently amended, specifically recite the combination of "tiotropium salts or oxitropium salts" with dopamine agonists. Applicants submit that Hodson fails to disclose or suggest the presently claimed combination of "tiotropium salts or oxitropium salts" with dopamine agonists.

Meissner

In the Office Action, it is indicated that Meissner teaches anticholinergics which may be used to treat disorders such as asthma or COPD. It is further asserted in the Office Action that Meissner discloses dopamine agonists, which may optionally be used in conjunction with the anticholinergics.

The Meissner anticholinergics are disclosed in general formula 1 [0002]. In stark contrast, the claims as presently amended, specifically recite the combination of “tiotropium salts or oxitropium salts” with dopamine agonists. Meissner does not disclose, suggest, or even hint at the combination of tiotropium salts or oxitropium salts with dopamine agonists or the synergistic effect provided by this combination. Neither tiotropium salts nor oxitropium salts are suggested or disclosed by general formula 1 nor are they taught in any other section of Meissner. Hence, Applicants submit that Meissner fails to disclose or suggest the combination of “tiotropium salts or oxitropium salts” with dopamine agonists.

In view of the foregoing, Applicants submit that the cited references cannot anticipate the presently claimed combination of “tiotropium salts or oxitropium salts” with dopamine agonists. Accordingly, withdrawal of the rejection based on Section 102(b) is respectfully requested.

Conclusions

Applicants submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,



Anthony P. Bottino
Attorney for Applicant(s)
Reg. No. 41,629

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 791-6764

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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By: 
Anthony P. Bottino
Reg. No. 41,629